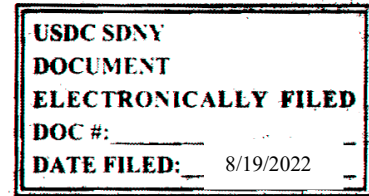


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



STICHTING JURIDISCH EIGENDOM  
DE VESTE BELEGGINGSFONDSEN,

Plaintiff,

21-CV-02102 (LGS)(SN)

-against-

**ORDER**

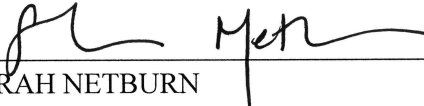
CAPSTONE CREDIT, LLC, et al.,

Defendants.

SARAH NETBURN, United States Magistrate Judge:

An April 12, 2022 settlement conference was adjourned because Defendants did not have audited financial statements, which were deemed necessary to have an effective settlement conference. The settlement conference was rescheduled for July 21, 2022. Over Plaintiff's objection, this conference was also adjourned because Defendants still did not have their audited financial statements. The Court directed Defendants to either serve their financial statements by August 15, or explain in a sworn affidavit why they were still incomplete. On August 15, Defendants' CFO filed a sworn statement attesting that their auditors were paid a retainer on May 3 – three weeks *after* the failed April 12 conference – and did not reasonably expect to complete the audit until “on or about September 21, 2022,” but even that date was contingent. This timeline is unacceptable. Defendants are ORDERED to direct their auditors to prioritize their audit regardless of cost so that the audited financial statements can be served no later than September 9, 2022.

**SO ORDERED.**

  
SARAH NETBURN  
United States Magistrate Judge

DATED: August 19, 2022  
New York, New York